Court No. 1

Civil Misc. Writ Petition No. 430 of 2001 (S/S)
(Old No. 35263 of 2000)

Manoj Kumar & four ors. …… Petitioners.

Versus

Basic Education Officer,
Tehri Garhwal & another …… Respondents.

Hon'ble P.C.Verma, J.

Heard learned counsel for the petitioners and learned counsel for the respondents.

The grievance of the petitioners in this writ petition is that despite the selection being held for the appointment on the posts of Assistant Teachers in Primary Schools, result was not declared for the reason that the High Court, Allahabad delivered judgment on 20.11.1996 in writ petition No. 6231 of 1996, by which it was provided that only B.ed. candidates shall be appointed as Assistant Teachers in Primary Schools if the B.T.C. candidates are not available. The petitioners are C.P. Ed. Certificate holders and in view of the aforesaid judgment, the petitioners could not be appointed. Apart from that a Government Order was also issued by the State of Uttar Pradesh on 11 the Aug, 1997, which clearly provides that B.T.C. trained candidates shall be appointed in Primary Schools. A Scheme was also launched in the State of Uttar Pradesh to give training to the B.Ed. , C.P.Ed. certificate holders to undergo six months training for the B.T.C. Course.

Since the eligibility for appointment on the post of Assistant Teachers was only B.T.C. having passed intermediate Examination and the petitioners were C.P. Ed, therefore, they could not be selected and could not be given appointment.

Today the learned counsel for the petitioners has placed before this Court an advertisement inviting applications for appointment on the 150 vacant posts of Assistant Teachers in District Tehri Garhwal i.e. the same district and it has been provided in the said advertisement that the candidates, who are holding certificates of C.P. Ed./ D.P. Ed/ B. P. Ed. may apply for the appointment on the posts of Assistant Teachers. In view of

this advertisement, the petitioners are eligible to be considered for appointment on the posts of Assistant Teachers in Primary Schools. The Candidature of the petitioners shall not be rejected on the ground that they have become over age. They shall be given age relaxation in view of the fact that they had already applied in the year 1995 for the appointment on the same posts and that selection has not been cancelled in respect of the petitioners.

With the aforesaid observation, the writ petition is disposed of finally.

Sd/-

30.08.2001